

**Introduced by Senator Liu**

February 12, 2013

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An act to add Article 6 (commencing with Section 123630) to Chapter 2 of Part 2 of Division 106 of the Health and Safety Code, and to amend Section 11320.3 of, and to add Section 11210.5 to, the Welfare and Institutions Code, relating to social services.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 252, as introduced, Liu. Social services: CalWORKs and paid family leave.

Existing law requires the State Department of Public Health to establish various programs for the support of maternal and child health.

This bill would require the department to investigate and apply for all federal funding opportunities, including opportunities to draw down federal matching funds, to maximize the availability of public health or federal Health and Human Services Agency approved voluntary home visiting programs for low-income Californians.

Existing law requires each county to provide cash assistance and other social services to needy families through the California Work Opportunity and Responsibility to Kids (CalWORKs) program using federal Temporary Assistance to Needy Families (TANF) block grant program, state, and county funds. As part of the CalWORKs program, participants, unless specifically exempted, are required to participate in welfare-to-work activities. Existing law exempts from the welfare-to-work provisions a woman who is pregnant and for whom it has been medically verified that the pregnancy impairs her ability to be regularly employed or participate in welfare-to-work activities.

This bill would exempt from the welfare-to-work provisions of CalWORKs a woman who is pregnant and for whom that the pregnancy

impairs her ability to be regularly employed or participate in welfare-to-work activities and a pregnant woman who is participating in a maternal, infant, and early childhood home visiting program or another home visiting program for low-income Californians that is approved by the federal Health and Human Services Agency. The bill would also require the State Department of Social Services to work with the Employment Development Department to ensure that each applicant and recipient of CalWORKs is provided with information about paid family leave benefits.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Article 6 (commencing with Section 123630) is  
2 added to Chapter 2 of Part 2 of Division 106 of the Health and  
3 Safety Code, to read:

4  
5 Article 6. Early Child Home Visiting Programs

6  
7 123630. The State Department of Public Health shall  
8 investigate and apply for all federal funding opportunities,  
9 including opportunities to draw down federal matching funds, to  
10 maximize the availability of public health or federal Health and  
11 Human Services Agency approved voluntary early child home  
12 visiting programs for low-income Californians.

13 SEC. 2. Section 11210.5 is added to the Welfare and  
14 Institutions Code, to read:

15 11210.5. For the purposes of increasing receipt of paid family  
16 leave benefits to eligible households and reducing the need for  
17 CalWORKs, the State Department of Social Services shall work  
18 with the Employment Development Department's Disability  
19 Insurance Branch to ensure that each applicant and recipient of  
20 aid under this chapter is provided with information about paid  
21 family leave benefits.

22 SEC. 3. Section 11320.3 of the Welfare and Institutions Code  
23 is amended to read:

24 11320.3. (a) (1) Except as provided in subdivision (b) or if  
25 otherwise exempt, every individual, as a condition of eligibility

1 for aid under this chapter, shall participate in welfare-to-work  
2 activities under this article.

3 (2) Individuals eligible under Section 11331.5 shall be required  
4 to participate in the Cal-Learn Program under Article 3.5  
5 (commencing with Section 11331) during the time that article is  
6 operative, in lieu of the welfare-to-work requirements, and  
7 subdivision (b) shall not apply to that individual.

8 (b) The following individuals shall not be required to participate  
9 for so long as the condition continues to exist:

10 (1) An individual under 16 years of age.

11 (2) (A) A child attending an elementary, secondary, vocational,  
12 or technical school on a full-time basis.

13 (B) A person who is 16 or 17 years of age, or a person described  
14 in subdivision (d) who loses this exemption, shall not requalify  
15 for the exemption by attending school as a required activity under  
16 this article.

17 (C) Notwithstanding subparagraph (B), a person who is 16 or  
18 17 years of age who has obtained a high school diploma or its  
19 equivalent and is enrolled or is planning to enroll in a  
20 postsecondary education, vocational, or technical school training  
21 program shall also not be required to participate for so long as the  
22 condition continues to exist.

23 (D) For purposes of subparagraph (C), a person shall be deemed  
24 to be planning to enroll in a postsecondary education, vocational,  
25 or technical school training program if he or she, or his or her  
26 parent, acting on his or her behalf, submits a written statement  
27 expressing his or her intent to enroll in such a program for the  
28 following term. The exemption from participation shall not  
29 continue beyond the beginning of the term, unless verification of  
30 enrollment is provided or obtained by the county.

31 (3) An individual who meets either of the following conditions:

32 (A) The individual is disabled as determined by a doctor's  
33 verification that the disability is expected to last at least 30 days  
34 and that it significantly impairs the recipient's ability to be  
35 regularly employed or participate in welfare-to-work activities,  
36 provided that the individual is actively seeking appropriate medical  
37 treatment.

38 (B) The individual is of advanced age.

39 (4) A nonparent caretaker relative who has primary  
40 responsibility for providing care for a child and is either caring for

1 a child who is a dependent or ward of the court or caring for a  
2 child in a case in which a county determines the child is at risk of  
3 placement in foster care, and the county determines that the  
4 caretaking responsibilities are beyond those considered normal  
5 day-to-day parenting responsibilities such that they impair the  
6 caretaker relative's ability to be regularly employed or to participate  
7 in welfare-to-work activities.

8 (5) An individual whose presence in the home is required  
9 because of illness or incapacity of another member of the household  
10 and whose caretaking responsibilities impair the recipient's ability  
11 to be regularly employed or to participate in welfare-to-work  
12 activities.

13 (6) A parent or other relative who meets the criteria in  
14 subparagraph (A) or (B).

15 (A) (i) The parent or other relative has primary responsibility  
16 for personally providing care to a child six months of age or under,  
17 except that, on a case-by-case basis, and based on criteria  
18 developed by the county, this period may be reduced to the first  
19 12 weeks after the birth or adoption of the child, or increased to  
20 the first 12 months after the birth or adoption of the child. An  
21 individual may be exempt only once under this clause.

22 (ii) An individual who received an exemption pursuant to clause  
23 (i) shall be exempt for a period of 12 weeks, upon the birth or  
24 adoption of any subsequent children, except that this period may  
25 be extended on a case-by-case basis to six months, based on criteria  
26 developed by the county.

27 (iii) In making the determination to extend the period of  
28 exception under clause (i) or (ii), the following may be considered:

29 (I) The availability of child care.

30 (II) Local labor market conditions.

31 (III) Other factors determined by the county.

32 (iv) Effective January 1, 2013, the parent or other relative has  
33 primary responsibility for personally providing care to one child  
34 from birth to 23 months, inclusive. The exemption provided for  
35 under this clause shall be available in addition to any other  
36 exemption provided for under this subparagraph. An individual  
37 may be exempt only once under this clause.

38 (B) In a family eligible for aid under this chapter due to the  
39 unemployment of the principal wage earner, the exemption criteria  
40 contained in subparagraph (A) shall be applied to only one parent.

1 (7) A parent or other relative who has primary responsibility  
2 for personally providing care to one child who is from 12 to 23  
3 months of age, inclusive, or two or more children who are under  
4 six years of age.

5 (8) A woman who is pregnant and for whom ~~it has been~~  
6 ~~medically verified that~~ the pregnancy impairs her ability to be  
7 regularly employed or participate in welfare-to-work activities or  
8 the county has determined that, at that time, participation will not  
9 readily lead to employment or that a training activity is not  
10 appropriate.

11 (9) *A pregnant woman who is participating in a maternal, infant,*  
12 *and early childhood home visiting (MIECHV) program or another*  
13 *home visiting program for low-income Californians that is*  
14 *approved by the federal Health and Human Services Agency.*

15 (c) Any individual not required to participate may choose to  
16 participate voluntarily under this article, and end that participation  
17 at any time without loss of eligibility for aid under this chapter, if  
18 his or her status has not changed in a way that would require  
19 participation.

20 (d) (1) Notwithstanding subdivision (a), a custodial parent who  
21 is under 20 years of age and who has not earned a high school  
22 diploma or its equivalent, and who is not exempt or whose only  
23 basis for exemption is paragraph (1), (2), (5), (6), (7), or (8) of  
24 subdivision (b), shall be required to participate solely for the  
25 purpose of earning a high school diploma or its equivalent. During  
26 the time that Article 3.5 (commencing with Section 11331) is  
27 operative, this subdivision shall only apply to a custodial parent  
28 who is 19 years of age.

29 (2) Section 11325.25 shall apply to a custodial parent who is  
30 18 or 19 years of age and who is required to participate under this  
31 article.

32 (e) Notwithstanding paragraph (1) of subdivision (d), the county  
33 may determine that participation in education activities for the  
34 purpose of earning a high school diploma or equivalent is  
35 inappropriate for an 18 or 19 year old custodial parent only if that  
36 parent is reassigned pursuant to an evaluation under Section  
37 11325.25, or, at appraisal is already in an educational or vocational  
38 training program that is approvable as a self-initiated program as  
39 specified in Section 11325.23. If that determination is made, the  
40 parent shall be allowed to continue participation in the self-initiated

1 program subject to Section 11325.23. During the time that Article  
2 3.5 (commencing with Section 11331) is operative, this subdivision  
3 shall only apply to a custodial parent who is 19 years of age.

4 (f) A recipient shall be excused from participation for good  
5 cause when the county has determined there is a condition or other  
6 circumstance that temporarily prevents or significantly impairs  
7 the recipient's ability to be regularly employed or to participate in  
8 welfare-to-work activities. The county welfare department shall  
9 review the good cause determination for its continuing  
10 appropriateness in accordance with the projected length of the  
11 condition, or circumstance, but not less than every three months.  
12 The recipient shall cooperate with the county welfare department  
13 and provide information, including written documentation, as  
14 required to complete the review. Conditions that may be considered  
15 good cause include, but are not limited to, the following:

16 (1) Lack of necessary supportive services.

17 (2) In accordance with Article 7.5 (commencing with Section  
18 11495), the applicant or recipient is a victim of domestic violence,  
19 but only if participation under this article is detrimental to or  
20 unfairly penalizes that individual or his or her family.

21 (3) Licensed or license-exempt child care for a child 10 years  
22 of age or younger is not reasonably available during the  
23 individual's hours of training or employment including commuting  
24 time, or arrangements for child care have broken down or have  
25 been interrupted, or child care is needed for a child who meets the  
26 criteria of subparagraph (C) of paragraph (1) of subdivision (a) of  
27 Section 11323.2, but who is not included in the assistance unit.  
28 For purposes of this paragraph, "reasonable availability" means  
29 child care that is commonly available in the recipient's community  
30 to a person who is not receiving aid and that is in conformity with  
31 the requirements of Public Law 104-193. The choices of child care  
32 shall meet either licensing requirements or the requirements of  
33 Section 11324. This good cause criterion shall include the  
34 unavailability of suitable special needs child care for children with  
35 identified special needs, including, but not limited to, disabilities  
36 or chronic illnesses.

37 (g) (1) Paragraph (7) of subdivision (b) shall be implemented  
38 notwithstanding Sections 11322.4, 11322.7, 11325.6, and 11327,  
39 and shall become inoperative on January 1, 2013.

1 (2) The State Department of Social Services, in consultation  
2 with the County Welfare Directors Association of California, and  
3 advocates, shall develop a process to assist clients with  
4 reengagement in welfare-to-work activities, pursuant to subdivision  
5 (h). Reengagement activities may include notifying clients of the  
6 expiration of exemptions, reassessments, and identifying necessary  
7 supportive services.

8 (h) (1) A recipient who was not required to participate in  
9 welfare-to-work activities on December 31, 2012, because, in  
10 accordance with paragraph (7) of subdivision (b), he or she is a  
11 parent or other relative who has primary responsibility for  
12 personally providing care to one child who is from 12 to 23 months  
13 of age, inclusive, or two or more children who are under six years  
14 of age shall not be required to participate until the county welfare  
15 department reengages the recipient in welfare-to-work activities.

16 (2) For purposes of this subdivision, reengagement in  
17 welfare-to-work activities shall include the development of a  
18 welfare-to-work plan in accordance with Section 11325.21 and  
19 the provision of necessary supportive services pursuant to Section  
20 11323.2.

21 (3) County welfare departments shall reengage all recipients  
22 described in paragraph (1) by January 1, 2015, unless the recipient  
23 is otherwise eligible for an exemption under subdivision (b).

24 (4) A recipient reengaged in accordance with this subdivision  
25 who has received assistance under this chapter, or from any state  
26 pursuant to the Temporary Assistance for Needy Families program  
27 (Part A (commencing with Section 401) of Title IV of the federal  
28 Social Security Act (42 U.S.C. Sec. 601 et seq.)), may continue  
29 in a welfare-to-work plan that meets the requirements of Section  
30 11322.6 for a cumulative period of 24 months commencing the  
31 first day of the first month after he or she is reengaged, unless or  
32 until he or she exceeds the 48-month time limitation described in  
33 Section 11454.

34 (5) All months of assistance described in paragraph (4) prior to  
35 the reengagement of the recipient shall not be applied to the  
36 24-month limitation described in paragraph (1) of subdivision (a)  
37 of Section 11322.85.